

# **MINUTES**

## **City of Carrollton Mayor and Council Meeting**

### **May 5, 2014**

### **6:00 p.m.**

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**Public Safety Complex, Court/Council Chambers, 115 West Center Street,  
Carrollton, Georgia**

#### **I. CALL TO ORDER**

The Mayor and Council met in regular session on Monday, May 05, 2014 in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Gerald Byrd, Councilmember Mandy Maierhofer, Councilmember Mike Patterson, and Councilmember Jim Watters.

#### **II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Garner.

#### **III. INVOCATION**

Ms. Annie Boykin offered the invocation.

#### **IV. MINUTES (March 28, 2014 Minutes)**

**Motion by Councilmember Maierhofer, seconded by Councilmember Patterson to approve the minutes of the March 28, 2014 meeting. (Motion passed 5-0).**

#### **V. CITIZEN COMMENTS**

(Please state your name and address for the record and limit comments to three minutes.)

At this time, Mayor Garner announced that the Scott Kiser rezoning request has been postponed and will be held at a Special Called Mayor and Council Meeting on Friday, May 23, 2014 at 12:00 p.m. In addition, the Roadway Extension Request from Carrollton City Schools has been delayed until the June 2, 2014 Mayor and Council Meeting.

Ms. Annie Boykin thanked the Police Department for patrolling her neighborhood and for stopping the loud music.

Dr. Kent Edwards, Superintendent of Carrollton City Schools, spoke to the Mayor and Council regarding the School System's proposed roadway extension project and requested their consideration. Dr. Edwards expressed concern regarding safety access during traffic/congestion. Mayor Garner advised Dr. Edwards that Councilmember Patterson and Councilmember Watters will be in contact with Dr. Edwards to discuss the matter further and that the issue would be placed on the Agenda for the next Mayor and City Council Meeting.

#### **VI. ITEMS OF DISCUSSION**

1. **Rezoning Request**  
**Rezone 6.80 acres from R-M (Residential Multi-Family to C-2 (General Commercial)**  
**Property Location: 400 Cottage Hill Road**  
**Petitioner: Scott Kiser**  
**(Supporting documents attached separately)**

**Clerk's Note: This item was tabled until a Special Called meeting of the Mayor and Council on Friday, May 23, 2014 at 12:00 noon.**

## **2. Resolution 05-2014 – Ordinance Amendment**

### **Unified Development Ordinance (UDO) and Zoning Map**

Assistant City Manager Tim Grizzard presented to the Mayor and Council Resolution 05-2014 – amending the Unified Development Ordinance (UDO) and updating Zoning Map. Assistant City Manager Grizzard advised that as a part of the ongoing effort by City Staff to evaluate land uses within the City, it is believed that the City has eliminated too much of the property from use as larger lots. Assistant City Manager Grizzard stated that a balance of land uses is critical to the overall economic health of the City and the quality of life of its citizens. Assistant City Manager Grizzard stated that Resolution 05-2014 will change Sections 2.01.00, 2.03.00, 2.04.00, 4.01.00, and 4.07.00 of the UDO and will update the zoning map. This resolution eliminates the land use designation “ER”, which was the land use designation for lots one acre and larger. It creates “ER-1” which is the land use designation for parcels of one to three acres and also creates “ER-3” which is the land use designation for parcels greater than three acres.

The map amendment is proposed to change the zoning for several large sections of land which are zoned for high density and medium density residential land use. The proposed changes of land use range from ER-3, ER-1 and R20 as best fits the individual configuration of the affected sections of land.

Assistant City Manager Grizzard advised that this matter was presented to the Planning and Zoning Board at their most recent meeting and was approved unanimously. At this time, Mayor Garner opened a public hearing to receive citizen comments on the matter. Those speaking opposed: None. Those speaking in favor: None. Being no further discussion, **Motion by Councilmember Byrd, seconded by Councilmember Maierhofer to approve Resolution 05-2014 – Ordinance Amendment – Unified Development Ordinance (UDO) and Zoning Map as presented. Motion passed (5–0).**

## **3. Resolution 06-2014 – Ordinance Amendments: Peddlers, Solicitors and Canvassers**

City Manager Casey Coleman presented to the Mayor and Council for their consideration Resolution 06-2014. This proposed resolution amends Chapter 22, Article IV (Peddlers, Solicitors and Canvassers) of our Ordinance by adding a new section titled “Monetary Solicitation”.

City Manager Coleman explained that for some time now we have received complaints from merchants and patrons in the C-1 business district (downtown area) about people aggressively asking for money. Under our present ordinance the Carrollton Police Department (CPD) has arrested and removed offenders, on several occasions, only to find that they are soon back up there doing the same thing. City Manager Coleman stated that he has talked with citizens that express apprehension about going to the square, especially after sunset, due to this problem.

City Manager Coleman advised that the amended ordinance will give our police officers the authority to arrest these perpetrators and imposes a reasonable fine and/or time in jail and that hopefully, this will fix the problem and allow our citizens a chance to enjoy our downtown area without fear of being aggressively approached in parking lots, at ATM's, and places of business. **Motion by Councilmember Maierhofer, seconded by Councilmember Patterson to approve Resolution 06-2014 – Ordinance Amendment – Peddlers, Solicitors, and Canvassers. Motion passed (5–0).**

## **4. Resolution 08-2014 – Ordinance Amendments: Possession of Firearms on the Greenbelt Trail and Regulations for Conduct of Parades**

City Manager Casey Coleman presented to the Mayor and Council for their consideration Resolution 08-2014 – Possession of Firearms on the Greenbelt Trail and Regulations for Conduct of Parades. City Manager Coleman advised that Governor Deal has recently signed into law, House Bill 60. This bill passed during the recent legislative session and changes the “gun laws” of the state of Georgia considerably.

City Manager Coleman reminded the Mayor and Council that GeorgiaCarry.org, an organization that supports the right to carry weapons, entered a lawsuit against the City of Carrollton due to language in our ordinance that regulates persons carrying firearms on the GreenBelt and in parades. At the time of the lawsuit, we felt our position was correct and chose not to change our ordinance. With the recent changes in the gun laws, it is clear that we, as a City, cannot regulate the carrying of firearms at these locations. Thus, the City has chosen not to continue contesting the lawsuit any longer. City Manager Coleman stated

that he has previously asked the City Attorney to notify GeorgiaCarry.org that, subject to your approval, we are removing the language from our ordinance to which they objected, which will make going to court unnecessary.

City Manager Coleman advised that the modified ordinance (Resolution 08-2014) will be as follows: The following language has been removed, allowing persons to carry firearms on the Greenbelt and at parades:

- Non-permitted firearms prohibited on Greenbelt Trail (**removed**)
- No parade participant shall carry arms or other weapons (or facsimiles thereof), nor bricks, bats, sticks, rocks, bottles or other items which may be used as weapons. (**removed**)

Councilmember Patterson advised that he is in full support of our Police Department regarding this issue. Mayor Garner inquired as to the wishes of the Council on this matter. **Motion by Councilmember Patterson, seconded by Councilmember Watters to approve Resolution 08-2014 – Ordinance Amendment: Possession of Firearms on the Greenbelt Trail and Regulations for Conduct of Parades. Motion passed (5-0).**

## **5. Presentation of Award to City of Carrollton**

### **Jacqueline Dost, Executive Director of Keep Carroll Beautiful**

Ms. Jacqueline Dost, Executive Director of Keep Carroll Beautiful, presented an award to the City for participation in the Paint Recycling Event and thanked the Mayor and Council for their support of the Keep Carroll Beautiful Program.

## **6. Purchase of Fire Engines**

City Manager Coleman advised the Mayor and Council that on March 25, 2014, the Fire Department received bids for three (3) new fire trucks (pumpers) to replace three (3) existing front line trucks. City Manager Coleman stated that the City purchased three (3) American LaFrance fire trucks in 2003 and they have never been satisfactory, as they have been a maintenance nightmare, constantly breaking down and are just plain unreliable. American LaFrance is no longer in business, after going bankrupt twice (2) in the past few years; and parts are very difficult, if at all possible to locate and are exceptionally expensive.

City Manager Coleman advised that after thoroughly reviewing the bids, Chief Bearden has recommended that we purchase three (3) pumpers from the low bidder (Sutphen Corp.) for a total of \$1,428,070.55. City Manager Coleman stressed to the Mayor and Council that reliable fire trucks are absolutely necessary for the successful protection of life and property. City Manager Coleman stated that the replacement of these units were mentioned during discussions for the 2015 SPLOST projects and their purchase, and if approved, will be eligible from those proceeds.

City Manager Coleman advised that the City of Carrollton Fire Department (CFD) is classified by the Insurance Services Office (ISO) as a class 2 fire department, rating CFD in an elite class of fire departments that are among the best in this nation. City Manager Coleman advised that our fire officers and firefighters have worked very hard and long to obtain this classification, providing excellent protection of lives and property. City Manager Coleman also advised that hopefully the old LaFrance trucks can be sold once the new ones have been received; stating that maybe some other fire department might be interested. **Motion by Councilmember Maierhofer, seconded by Councilmember Patterson to approve the purchase of three (3) new fire trucks (pumpers) and award the purchase to the low bidder, Sutphen Corp. for a total of \$1,428,070.55. Motion passed (5-0).**

## **7. GMEBS Retirement Plan Ordinance & Adoption Agreement Addendum**

City Manager Coleman presented to the Mayor and Council for their consideration, the GMEBS Retirement Plan Ordinance & Adoption Agreement Addendum. City Manager Coleman advised that The Georgia Municipal Association has informed the City of Carrollton of amendments and language clarifications needed for the Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan (Plan) and/or Adoption Agreement. City Manager Coleman noted that most of the changes incorporate certain federal laws and regulations which apply to the GMEBS Plan, as well as substantive and technical amendments relating to administration of the plan by GMEBS and the City.

City Manager Coleman stated that the General Addendum identifying the actions taken by the City as well as a copy of the correspondence from GMA, giving great detail on all amendments and language clarification to the Plan and/or the Adoption Agreement are as follows:

- Earnings (Addendum to Adoption Agreement – City action required. The attached General Addendum to the Plan includes language to allow for severance pay and vehicle allowance to be included in participant's earnings reported to GMEBS.)
- Final Average Earnings (GMA; language clarification – no action)
- Exception to Mandatory Participation (GMA; change to Plan – no action required unless the City desires to keep mandatory participation in the Plan)
- Retroactive Payment of Early Retirement Benefit (GMA; change to Plan – no action)
- Unclaimed Benefits (GMA; change to Plan – no action)
- Ordered Military Leave (GMA; change to Plan – no action)
- Involuntary Termination (GMA; change to Plan – no action)
- Employer Failure to Act Indemnity (GMA; change to Plan – no action)
- Information to Administrator (GMA; change to Plan – no action)
- Participant Data to Administrator (GMA; change to Plan – no action)

City Manager Coleman also advised that in addition to the amendments requested by GMA, now would be a good time to “clear/clean up” a retirement benefit that was an element of the recruitment package for current Assistant City Manager (Tim Grizzard) in March 2004. City Manager Coleman stated that at that point in time, while recruiting Mr. Grizzard, the City informed him that his service time with his former employer, Douglas County Water and Sewer Authority (DCWSA), would count in his retirement benefit he earned from the City of Carrollton, should he take the Assistant City Manager position. The attached General Addendum to the Plan includes the language to insure Mr. Grizzard receives the Douglas County Water and Sewer Authority (DCWSA) service credit in his retirement benefit from the City of Carrollton. **Motion by Councilmember Patterson, seconded by Councilmember Byrd to amend the GMEBS Retirement Plan Ordinance and Adoption Agreement Addendum as presented and to approve the General Addendum to the Plan at a cost of \$95,000, which will insure that Tim Grizzard receives Douglas County Water and Sewer Authority (DCWSA) service credit toward his retirement benefit from the City of Carrollton, which was an element of his recruitment package in March 2004. Motion passed (5-0).**

#### 8. Roadway Extension Request (Carrollton City Schools)

**Clerks Note: This Agenda item was tabled until the regularly scheduled meeting of the Mayor and Council on June 2, 2014.**

#### 9. Appointments:

##### a. Board of Development Appeals (2)

**Clerk's note: This Agenda items was tabled until the regularly scheduled meeting of the Mayor and Council on June 2, 2014.**

##### b. Redevelopment Authority (2)

**Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to appoint Joe Ballard to a term on the Carrollton Redevelopment Authority. (term expires 12/31/17). Motion passed (5-0).**

##### c. Historic Preservation Commission (2)

**Motion by Councilmember Patterson, seconded by Councilmember Byrd to re-appoint Dr. Tom Williamson and Dorothy Pittman to new terms on the Historic Preservation Commission. (terms expire 05/01/17). Motion passed (5-0).**

## VII. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Byrd expressed appreciation to City Staff for the work that they do. In addition, Councilmember Byrd thanked the City of Carrollton for participation in the Work Readiness Program and the Neighborhood Cleanup Project.

Councilmember Mike Patterson recognized Main Street Director Phoebe Ericson and commended her for the outstanding Mayfest event.

Councilmember Mandy Maierhofer stated that she was thrilled with the Amp and had attended several events there lately.

Mayor Garner recognized Carrollton City School Board Members who were in attendance at the meeting.

#### **VIII. CITY MANAGER ANNOUNCEMENTS**

There were none.

#### **X. ADJOURN**

The Agenda for Mayor and Council Meetings is available for review in the City Manager's Office, 315 Bradley Street, Carrollton, Georgia and the City's website, [www.carrollton-ga.gov](http://www.carrollton-ga.gov) after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request or available at the website listed above.